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ABSTRACT

Two divergent approaches to a prison educational program attempt to go beyond accreditation or amusement and address instead attitude change, human choice, judgment, and empowerment. The first, most obvious approach, focuses on the provision of knowledge. The second approach starts with a focus on individual development. Its aim is to facilitate students' maturation so that they are able to inform their discretion with sufficient sophistication to enable them to support the healthy continuation of the society. The philosophic issues of perfectibility and will are important in the perception of students in correctional education. Undoubtedly, a strong relationship exists between thinking and acting and thus between thinking and crime. Education carries within it the potential for enabling criminals to perceive the world differently and make the decision to act upon it differently. Descriptions and data indicate prisons contain a rather coherent class or caste of errant citizens with a predisposition to offend. They have been portrayed as decision maker, bandit, and social victim. The content and quality of their lives have had a direct effect on the way they think, on the cognitive structure that determines how they decide to act. Correctional educators must inform their students' discretion, making them active participants in imagining and creating their futures. (YLB)

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To Inform Their Discretion

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Stephen Duguid
Region VI CEA Conference
Banff, Alberta
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My title comes from Thomas Jefferson, a man who deserves a special place in the pantheon of political thinkers and actors who take as their starting point the **intrinsic worth and wisdom of all humans.** To cite the full reference:

> I know of no safe depository of the ultimate powers of society but the people themselves. And if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

With criminals, of course, we have the extreme example of individuals who fail to **"exercise their control with a wholesome discretion"** and an equally extreme example of our addressing this failure by taking away their powers -- transforming them into prisoners. Prison education on the other hand, should be like all other education a **process of empowerment**, our attempt to **inform their discretion,** to provide a **context** for their exercise of judgment and choice. Our Prison Schools, like all good schools, should focus on providing opportunities for students to **practice** that exercise

of judgment and choice, to test new attitudes and perspectives in real social situations.

There are two divergent approaches to an educational program which attempts to go beyond accreditation or amusement and address instead this issue of attitude change, human choice, judgment and empowerment.

The **first approach** is perhaps the most obvious and focuses on the provision of knowledge, moral and otherwise. The students are seen as lacking both knowledge and examples/role models and the task of education is to provide both. Two kinds of programs spring to mind here: Moral Education and Vocational/Trades Training.

This summer an entire edition of the Journal of Correctional Education was devoted to Moral Education, with a particularly strident opening essay by the U.S. Under Secretary of Education calling for an emphasis on the "Moral Basics". Earlier this month in Chicago, I ran across an article in the Tribune, recounting the spread of Values Education (not Values Clarification) in the puiblic school system. "We want children to recognize they need

to be responsible for the decisions they make". The schools select a "Value of the month" (October's was "responsibility") and infuse that value in lessons. This is certainly one way to interpret Jefferson's notion of "informing one's discretion" (in fact, one of the strongest forces behind this movement is the conservative, California-based educational consultant group, the Thomas Jefferson Research Center).

The second approach, and the one I favour, starts with a focus on individual **development**. The aim here is to facilitate the maturation of the student, to enable the student to advance through definable stages or levels of cognitive, moral and social development in order that he or she are able to **inform their own discretion** with sufficient sophistication to enable them to support the healthy continuation of the society.

A focus on development partakes of two crucial assumptions about humankind, assumptions which are not in fact widely accepted in our time. First, there is an acceptance of the notion or concept, if not the reality, of human perfectibility. Thus we would reject Kant's statement that ***"Out of the crooked timber of humanity nothing straight can ever be made"***,

and argue instead that our lives are made miserable not by virtue of the crooked timbers that may shape us, but as a result of the twisted ploughs we manufacture, the rotted citadels we construct, and the crippling social systems we devise. Secondly, there is the belief in our **ability to act** in order to change self and society, the assumption that however much humans have been the **victims** of their own history they remain its **authors** as well. This implies a belief in politics and individual renewal which conflicts with a sometimes pervasive popular cynicism.

These **philosophic** issues, perfectibility and will, directly affect how we perceive our jobs in the prison. One of the key discussion points at this conference is going to be the link between thinking and crime and I suspect that you are going to feel pulled toward perceiving your students in the context of **either** victim or author. The human reality is seldom so easily analyzed nor are humans so readily categorized. We are going to be dealing with a complex issue, involving ideas such as **cause and effect, intentionality, free will, decision-making, and responsibility.**

Undoubtedly, there **is** a strong relationship between thinking and acting and thus between thinking and crime and it's that **connection** which makes our role so important and our vocation so exciting. As outsiders in daily contact with prisoners we of course can have an impact on their lives, much like anyone else who interacts with them. But we can, in fact, do much **more** because it is education as both form and content which carries within it the potential for enabling these men and women to see the world in a different way and, as a result of that new perception, making the decision to **act upon** that world in a different way, becoming authors of their own **construction** rather than destruction.

The Students

If we are going to be concerned here and in our classrooms with the thinking of our students, then we had better do a little thinking ourselves about just who these students are. As a generic term, 'prisoner' covers a lot of territory, though fortunately not as much territory as 'criminal', which conceivably could include most of us. Even with 'prisoner', however, we may be referring to juveniles or adults, short-term

or long-term incarcerates, first offenders or careerists, sex-offenders or bank robbers, and so forth.

Because education for development does have a primary focus on the student rather than subject matter, it is particularly important that we make at least an attempt at a description. A review of some randomly acquired cross-sections of prison populations offers some immediate insights:

> Prisoner Profile: State Prison of Southern Michigan
>
> Approximately 60% of the prison population is Black. Crimes against persons (robbery, rape, murder, etc.) and property constitute about 60% and 25% of all offences. The rest may be generally described as victimless crimes. Less that 5% have some college experience while 26% have less than an 8th grade education. About 50% of the inmates are single and over half are in the age bracket between 25 and 34 years. About 25% are adjudged to be severely addicted to drugs. About 17% are diagnosed to suffer from either a mental or emotional disorder and an equal number are judged to be mentally deficient. (Feinstein)

Needs Assessment of Adult Criminals in Georgia

Analysis revealed that 81% of adult offenders were living at or below the minimum standard of living. Roughly 73% of adult offenders lacked skills in the ability to gain or maintain suitable employment. 88% of the offenders had not graduated from high school. The needs assessment also revealed that the majority of the adult offenders lacked skills for management of family and civic responsibilities, personal health and recreation, and personal finance. Over 66% of the group was functionally illiterate.....Most came from single parent homes, were poor, and lacked the education and training to successfully provide financial security for themselves and others. (Ryan)

RAND Corporation Profile of Professional Criminal

He's an individual who has been arrested eight times prior to current arrest, he's been convicted three times for felonies, and three times for misdemeanors. He is male 96% of the time, Black 60% of the time, and single 50% of the time. His average age is 29 years and he's used a weapon during the commission of 41% of his crimes and he's a drug user 34% of the time. (Angolite)

Background of Norwegian Prisoners

The background of the majority of inmates indicates an accumulation of negative factors: problematic home environments; previous institutionalization; ....a lack of education and of general knowledge. The level

of basic skills such as reading, writing and mathematics was also weak.....the inmates often perceived themselves as being losers at school. (Skaalvik)

Study of Recidivists in Australia

Average age 14 at first conviction. Half were housed in foster or welfare homes during adolescence. Almost all had been referred for psychiatric assessment. 50% were alcohol-dependent and only 8% had attended high school for 3 years or more. 33% had at least one brother in prison and 86% had received in-prison convictions. Most were unemployed or in manual labour jobs. (Koller)

Descriptions and data like this does lead one to the conclusion that our prisons contain a **rather unique collection of people**, whether by **selection** or by **disposition**. Poor educational backgrounds, disrupted family histories, substance abuse, repetitive commission of acts which led to arrest and trial, high concentrations of racial minorities and a specific age cohort all point to a rather coherent class or caste of errant citizens. Certainly the range of problems posed by their biographies seems too complex to be addressed through traditional educational programs such as literacy training or the

provision of high school diplomas.

While interesting, cross sections of inmate populations are still too crude a device to really provide an accurate sense of either the **problem** we face or the **possibilities** before us. To continue this rather unscientific exploration, I want to look at three ways the criminal has been portrayed in much popular, political, and academic literature: **decision-maker**, **bandit**, and **victim**.

The '**criminal as decision-maker**' portrayal is very popular these days and stresses the self-control of the criminal and purposeful nature of crime. In one version, crime is seen as **work** or as a **vocation**, as a **career** voluntarily entered for clear and rational reasons. According to this largely economic explanation of criminality, the individual **compares** the potential income from legal versus illegal actions and **assesses** the probability of being arrested and the probable punishment if convicted. Included in these calculations, then are the future costs of going to prison.

> The model of the criminal as a person who 'gets his kicks out of beating the system and doing evil' seldom fits the facts. Self-identity develops from habituation to a way of life. The criminal, especially the professional, takes a certain pride in his work and applies his skills in the most profitable way he thinks possible. Crime is the major source of his income, and much of his business is with fences and other criminals. The conception of himself as a criminal is central to his identity. Studies of the professional thief, of organized crime and of other types of crime show that criminals identify with their work, and are varyingly committed to their jobs. (Lodhi)

This focus on clear thinking and intentionality and on crime as 'simply one vocation like any other' is perhaps an extreme manifestation of this school of thought. In a recent book by Canadian Anthropologist Elliott Leyton called Hunting Humans: The Rise of the Modern Multiple Murderer, the author insists that **"The killers know precisely what they are doing and why they are doing it, they are people with motives and goals"**. The most insistent argument for this position is, of course, that of Yochelson & Samenow in The Criminal Personality and in Samenow's subsequent publications, most notably Inside the Criminal Mind. Here we find a **"a total emphasis on choice and will"**, starting with the **"criminal**

child" and continuing through adult life.

What the insistence on decision-making does is <u>place control over events clearly in the hands of the individual</u> rather than seeing that individual as existing at the whim of great social forces or deprived socio-economic realities. There is still room to argue here that the decisions made by most criminals are in fact ***bad*** decisions, not just because of their nature and consequences, but because of the <u>process</u> by which they were arrived at - i.e. thinking, reasoning, valuing. Here, then is an entry point for education - but only an education which in fact addresses **thinking and thinking patterns**, not just education as facts or content.

The **'criminal as bandit'** is a somewhat romantic perspective, much loved by criminals themselves and by those who find themselves in sympathy with crime's implicit and sometimes explicit critique of existing social, political and economic arrangements. It is through such a perspective that **terrorists become Contras, tribesmen freedom fighters,** and **bank robbers anarchists**. Still, for many criminals, this bandit or outlaw image is a central feature of

identity. Victor Serge, a political dissident in the early 20th century who spent many years in French and Russian prisons, paints this picture:

> The outlaw has no illusions about society's values and knows neither faith nor law; but he has self-respect, the knowledge of his own strength, and the respect of other 'men' - the strong. 'I'm a man': All his pride is summed up in these words. A man never sells out. A man knows how to take it - and to dish it out - in a knife fight. He knows how to go down into the hole and 'keep quiet'. (Serge)

Unlike the almost mundane criminal as 'worker', this romanticized **criminal as outlaw** creates a sense of **exceptionalism**, a sense that the criminal is really someone quite special, perhaps originally driven outside the law but once there almost reveling in the isolation. Thus Jean Genet describes the criminality of himself and his friends in terms of an ***other***, parallel social order:

> Though they may not always be handsome, men doomed to evil possess the manly virtues. **Of their own volition, or owing to an accident which has chosen for them,** they plunge lucidly and without complaining into a reproachful ignominious element, like that into which love, if it is profound, hurls human

> beings.....Repudiating the virtues of your world, criminals hopelessly agree to organize a forbidden universe. They agree to live in it. The air there is nauseating: they can breathe it. (Genet)

It is this group of criminal/prisoners that presents the most absorbing and powerful challenge to the prison educator. The cool, calculating decision-maker can be argued with, can be taught different ways to think about decisions, can even be trained in more lucrative and legal ways to make a living. The outlaw is oblivious to such approaches. To penetrate this world there must be a frontal assault on an entire **world view**, a challenge to basic assumptions, and perhaps contact at a very personal level.

Finally, there is the criminal as **victim of social forces**, **victim of fate**, and **victim of malevolent biography**. Clarence Darrow stated the case eloquently, arguing that ***"I do not believe that people are in jail because they deserve to be. They are in jail simply because they cannot avoid it on account of circumstances which are entirely beyond their control and for which they are in no way responsible"*** (Dworkin) The criminal in this view is *driven* to

crime, is **not responsible** for the acts which led to arrest and incarceration. Poverty, ignorance, labeling, accident and the arbitrariness of the justice system itself make up the path to prison. This sense of ***life out of control***, so different from the first two images, is well drawn by Tony Parlett in this imaginary biography:

> The typical plan of a criminal's life history may be briefly set out in the following way: In early childhood there is a history of temper tantrums followed at between age 6-10 by a quiescent period. At about 10-12 a period of anti-social acts in school and in the community makes its appearance. The pre-criminal at this time becomes unpopular with his friends because of his behaviour. His unpopularity drives him to greater acts of misbehaviour and he develops into a problem child. His alienation from school drives him into acts of truancy and further misbehaviour against the community at large. At age 13 or 14 he has been taken up by the juvenile authorities and commonly sent to a place of detention. In such a place he is thrown in with the quintessence of 'bad boyism' and is thus prevented from modelling on normal children. Being thus arrested in moral development, he will not appreciate, or indeed understand the values and norms of society in general and his anti-social behaviour will escalate him through the prison system. (Parlett)

Parlett, like Genet , is somewhat ambivalent on the issue of origins, but both place great stress on the early and persistent **immersion** into the world of the prison, the law, the criminal life, etc. as the key to subsequent cognitive, moral and social development.

In any or all of the above descriptions and profiles it is apparent that there is something wrong, skewed, ill-adjusted, abnormal, or under-developed. There are too many concentrations of **types,** too many members of ethnic groups, too many drug addicts, too many with poor educational backgrounds or with repeated criminal records. Our prisons are packed with men and women who have what a colleague of mine, Bob Ross, has described as a ***predisposition to offend.*** By this he means that the **content and quality of their lives**, their **biographies**, have had a direct effect on the <u>way they think</u>, on the **cognitive structures** that determine how they perceive and analyze situations, how they reflect on values, and how they decide when and how to act.

It is with the[illegible]ognitive structures that we must contend, along with corresponding levels of <u>cognitive development</u>,

moral reasoning and potential social development. Ross has written extensively on this linkage of crime and cognition and is worth citing at some length:

> Many offenders tend to be **action-oriented, non-reflective, and impulsive.** When faced with a problem or a temptation they immediately respond without stopping to think. They are less likely to think about problem situations than to **react** to them. They often act without adequately analyzing the situation, or calculating the consequences of their action. Advice, warnings, or punishment often have little impact on them because they **fail to reflect** back on their behavior and its effects.....Many offenders have never acquired critical reasoning skills and they evidence a host of thinking errors. The most common of these is **externalizing the blame for their actions onto other people or to circumstances 'beyond their control'.** Many fail to consider that their thinking, their behavior and their attitides contribute to the problems they experience. Although they may be able to rationalize their anti-social behavior and justify their actions, the reasoning they use in doing so is frequently **simplistic and illogical.** Their thinking is often exceptionally **shallow and narrow** - they construe their world in **absolute** terms and fail to appreciate the subtleties and complexities of social interactions. They tend to **adopt simple solutions to complex problems.** Many fail to think through problem situations and

> **uncritically** accept those conclusions which immediately occur to them. They then cling to these conclusions **stubbornly and rigidly**. (Ross)

The important point for educators to grasp is that these **habits of mind** are <u>not</u> just attitudes or habits, not just 'lazy thinking' or decision- making without sufficient facts. **Neither** is the problem simply an absence of a moral frame of reference, a missing sense of ethics or knowledge of the 'value of the week'. Above all, the problem is larger than issues of employability, literacy or skill acquisition. The cognitive issue is a fundamental one.

My argument is a very old fashioned one. While the modern-day moralists who call for the inculcation of character harken back to the Victorian 19th century for their inspiration, I look to the late 18th century, to the likes of the English philosopher and anarchist William Godwin who could claim, naively perhaps, that **"All vice is nothing more than error and mistake reduced into practice".....**and..... **"Let the most oppressed people under heaven once change their mode of thinking, and they are free."** I return in conclusion to another great 18th century thinker, Thomas Jefferson and

his thoughts on informing discretion. Webster's defines **discretion** as the "Power of Free Decision", "Individual Judgment", "Undirected Choice". I urge you all to believe that education, and you as educators, can do more than train, upgrade, preach and accredit, that you can also inform your students' discretion, making them active participants in both imagining and creating their futures.